

IN THE CIRCUIT COURT OF HINDS COUNTY, MISSISSIPPI
FIRST JUDICIAL DISTRICT

TRACY HURST, on behalf of
J [REDACTED] H [REDACTED], a minor child

PLAINTIFF

vs.

Cause No. 21-255

WAL-MART STORES EAST, LP
and JOHN DOES 1-5

DEFENDANTS

COMPLAINT
(Jury Trial Requested)

COMES NOW, the Plaintiff, Tracy Hurst, on behalf of her minor child, J [REDACTED] H [REDACTED], by and through the undersigned counsel, and files this Complaint against Defendants, Wal-Mart Stores East, LP and John Does 1-5, and in support thereof would show unto this Honorable Court, the following, to wit:

I.) PARTIES

1. The Plaintiffs, Tracy Hurst and J [REDACTED] H [REDACTED] (a minor child), are resident citizens of Hinds County who currently reside at 3015 Autumn Place, Apt. C., Jackson, Mississippi 39212.

2. The Defendant, Wal-Mart Stores East, LP ("Wal-Mart") is a foreign limited partnership registered to conduct business in the State of Mississippi. Wal-Mart has appointed CT Corporation Systems as its registered agent for service of process and may be served at 645 Lakeland East Drive, Suite 101, Flowood, Mississippi 39232.

3. Defendants John Does 1-5 are persons and/or entities whose identifies are currently unknown to Plaintiff. These persons or entities can include, but are not limited to, any and all person who are liable to Plaintiff or the actions and/or inactions set forth below in this Complaint.

EXHIBIT A

II.) JURISDICTION AND VENUE

4. This Court has jurisdiction over the subject matter and the parties named in this Complaint.

5. Venue is proper pursuant to Miss. Code. Ann § 11-11-3 because the acts and/or omissions giving rise to this cause of action took place in Hinds County.

III.) FACTS

6. Plaintiffs incorporate and restate by reference herein all allegations set forth above.

7. On or about June 2, 2019, Plaintiffs were shopping at the Wal-Mart store located at 2711 Greenway Drive, Jackson, Mississippi 39204.

8. On the date in question, the Plaintiffs were business invitees of the Defendant, Wal-Mart.

9. While walking through Wal-Mart and exercising reasonable care for her own safety, Plaintiff, J■■■■ H■■■, slipped on the wet contents of broken eggs that had fallen onto the floor.

10. As a result of the fall, Ms. H■■■ sustained injuries to her right foot and ankle, and she also suffered embarrassment and emotional distress.

11. Ms. H■■■ bears no responsibility for her fall nor her injuries, and did not, in any manner, cause said injuries, embarrassment, or emotional distress to herself.

IV.) CLAIM OF NEGLIGENCE

12. Plaintiffs incorporate and restate by reference herein all allegations set forth above.

13. Defendants owed the following duties to Plaintiffs:

- a. Duty to properly and adequately maintain and inspect the premises;
- b. Duty to warn of dangerous conditions; and
- c. Duty to provide a safe environment.

14. Defendants breached said duties by one or more of the following actions/inactions:

- a. Failure to properly and adequately maintain and inspect the premises;
- b. Failure to warn the Plaintiffs of the dangerous condition; and
- c. Failure to provide a safe environment for Plaintiffs.

15. The Defendants knew or should have known of the existence of the dangerous condition and the risks it posed to the Plaintiffs.

16. The Defendants' negligence is the direct and proximate cause of the injuries sustained by the Plaintiff, J[REDACTED] H[REDACTED].

V.) DAMAGES

17. Plaintiff incorporates and restates by reference herein all allegations set forth above.


18. As a direct and proximate result of the Defendants' negligence, the Plaintiff suffered injuries and damages including, but not limited to the following:

- a. Past, present, and future medical bills and expenses;
- b. Past, present, and future pain and suffering; and
- c. Past, present, and future emotional distress.

WHEREFORE, PREMISES CONSIDERED, Plaintiffs, Tracy Hurst and J. [REDACTED] H. [REDACTED] pray this Honorable Court will file their Complaint and deem it good and sufficient. Plaintiffs further pray for a judgment against Defendants, jointly and severally, in an amount that will adequately compensate Plaintiffs for the injuries and damages sustained as a result of the Defendants' negligence. Plaintiffs additionally pray that this Court will award them interest as permitted by law, costs of this suit, attorneys' fees, and expert witness fees. Lastly, Plaintiffs pray for any and all equitable relief to which they may be entitled.

RESPECTFULLY SUBMITTED, this, the 27 day of April, 2021.

TRACY HURST & J. [REDACTED] H. [REDACTED]

BY: 
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OF COUNSEL:

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COVER SHEET

Civil Case Filing Form

(To be completed by Attorney/Party
Prior to Filing of Pleading)

Court Identification Docket #

25101

County # Judicial District Court ID
(CH, CI, CO)

042721

Month Date Year

This area to be completed by clerk

Case Year

2021

Docket Number

255

Local Docket ID

Mississippi Supreme Court

Form AOC/01

Administrative Office of Courts

(Rev 2020)

Case Number if filed prior to 1/1/94

In the Circuit

Court of Hinds

County - MS

Judicial District 1st

Origin of Suit (Place an "X" in one box only)

- ☐ Initial Filing ☐ Reinstated ☐ Foreign Judgment Enrolled ☐ Transfer from Other court ☐ Other
- ☐ Remanded ☐ Reopened ☐ Joining Suit/Action ☐ Appeal

Plaintiff - Party(ies) Initially Bringing Suit Should Be Entered First - Enter Additional Plaintiffs on Separate Form

Individual Hurst Last Name Tracy First Name (on behalf of J [redacted] H [redacted], minor) Maiden Name, if applicable M.I. Jr/Sr/III/IV

Check (x) if Individual Plaintiff is acting in capacity as Executor(trix) or Administrator(trix) of an Estate, and enter style: Estate of _____

Check (x) if Individual Plaintiff is acting in capacity as Business Owner/Operator (d/b/a) or State Agency, and enter entity: D/B/A or Agency _____

Business

Enter legal name of business, corporation, partnership, agency - If Corporation, indicate the state where incorporated

Check (x) if Business Plaintiff is filing suit in the name of an entity other than the above, and enter below: D/B/A _____

Address of Plaintiff 3015 Autumn Place, Apt. C, Jackson, MS 39212Attorney (Name & Address) Charles C Cole, 4680 McWillie Dr. Jackson, MS 39206 MS Bar No. 105806

Check (x) if Individual Filing Initial Pleading is NOT an attorney

Signature of Individual Filing: Charles C Cole

Defendant - Name of Defendant - Enter Additional Defendants on Separate Form

Individual _____ Last Name _____ First Name _____ Maiden Name, if applicable M.I. Jr/Sr/III/IV

Check (x) if Individual Defendant is acting in capacity as Executor(trix) or Administrator(trix) of an Estate, and enter style: Estate of _____

Check (x) if Individual Defendant is acting in capacity as Business Owner/Operator (d/b/a) or State Agency, and enter entity: D/B/A or Agency _____

Business WAL-MART STORES EAST, LP

Enter legal name of business, corporation, partnership, agency - If Corporation, indicate the state where incorporated

Check (x) if Business Defendant is acting in the name of an entity other than the above, and enter below: D/B/A _____

Attorney (Name & Address) - If Known _____

MS Bar No. _____

Check (x) if child support is contemplated as an issue in this suit.*

*If checked, please submit completed Child Support Information Sheet with this Cover Sheet

Nature of Suit (Place an "X" in one box only)

Domestic Relations

- ☐ Child Custody/Visitation
☐ Child Support
☐ Contempt
☐ Divorce: Fault
☐ Divorce: Irreconcilable Diff.
☐ Domestic Abuse
☐ Emancipation
☐ Modification
☐ Paternity
☐ Property Division
☐ Separate Maintenance
☐ Term. of Parental Rights-Chancery
☐ UIFSA (eff 7/1/97; formerly URESA)
☐ Other _____

Appeals

- ☐ Administrative Agency
☐ County Court
☐ Hardship Petition (Driver License)
☐ Justice Court
☐ MS Dept Employment Security
☐ Municipal Court
☐ Other _____

Business/Commercial

- ☐ Accounting (Business)
☐ Business Dissolution
☐ Debt Collection
☐ Employment
☐ Foreign Judgment
☐ Garnishment
☐ Replevin
☐ Other _____

Probate

- ☐ Accounting (Probate)
☐ Birth Certificate Correction
☐ Mental Health Commitment
☐ Conservatorship
☐ Guardianship
☐ Joint Conservatorship & Guardianship
☐ Heirship
☐ Intestate Estate
☐ Minor's Settlement
☐ Muniment of Title
☐ Name Change
☐ Testate Estate
☐ Will Contest
☐ Alcohol/Drug Commitment (Involuntary)

- ☐ Alcohol/Drug Commitment (Voluntary)
☐ Other _____

Children/Minors - Non-Domestic

- ☐ Adoption - Contested
☐ Adoption - Uncontested
☐ Consent to Abortion
☐ Minor Removal of Minority
☐ Other _____

Civil Rights

- ☐ Elections
☐ Expungement
☐ Habeas Corpus
☐ Post Conviction Relief/Prisoner
☐ Other _____

Contract

- ☐ Breach of Contract
☐ Installment Contract
☐ Insurance
☐ Specific Performance
☐ Other _____

Statutes/Rules

- ☐ Bond Validation
☐ Civil Forfeiture
☐ Declaratory Judgment
☐ Injunction or Restraining Order
☐ Other _____

Real Property

- ☐ Adverse Possession
☐ Ejectment
☐ Eminent Domain
☐ Eviction
☐ Judicial Foreclosure
☐ Lien Assertion
☐ Partition
☐ Tax Sale: Confirm/Cancel
☐ Title Boundary or Easement
☐ Other _____

Torts

- ☐ Bad Faith
☐ Fraud
☐ Intentional Tort
☐ Loss of Consortium
☐ Malpractice - Legal
☐ Malpractice - Medical
☐ Mass Tort
☐ Negligence - General
☐ Negligence - Motor Vehicle
☒ Premises Liability
☐ Product Liability
☐ Subrogation
☐ Wrongful Death
☐ Other _____